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Notification No. B 17 — The Intellectual Property (Dispute Resolution) Bill is published for general information. It was introduced in Parliament on 8 July 2019.

Intellectual Property (Dispute Resolution) Bill

Bill No. 17/2019.

Read the first time on 8 July 2019.

A BILL

i n t i t u l e d

An Act to amend the Arbitration Act (Chapter 10 of the 2002 Revised Edition) and the International Arbitration Act (Chapter 143A of the 2002 Revised Edition) to clarify that intellectual property disputes may be arbitrated, and to make amendments to the Copyright Act (Chapter 63 of the 2006 Revised Edition), the Geographical Indications Act 2014 (Act 19 of 2014), the Patents Act (Chapter 221 of the 2005 Revised Edition), the Plant Varieties Protection Act (Chapter 232A of the 2006 Revised Edition), the Registered Designs Act (Chapter 266 of the 2005 Revised Edition), the State Courts Act (Chapter 321 of the 2007 Revised Edition) and the Trade Marks Act (Chapter 332 of the 2005 Revised Edition), relating to intellectual property dispute resolution and certain other related matters and the composition of offences.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Intellectual Property (Dispute Resolution) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

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PART 1

AMENDMENTS TO ARBITRATION ACT

New Part IXA

2. The Arbitration Act (Cap. 10) is amended by inserting, immediately after section 52, the following Part:

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“PART IXA

ARBITRATIONS RELATING TO INTELLECTUAL PROPERTY RIGHTS

Interpretation of this Part

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52A.—(1) In this Part, unless the context otherwise requires, “intellectual property right” or “IPR” means —

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- (a) a patent;
- (b) a trade mark;
- (c) a geographical indication;
- (d) a registered design;
- (e) a copyright;
- (f) a right in a protected layout-design of an integrated circuit;
- (g) a grant of protection in respect of a plant variety;
- (h) a right in confidential information, trade secret or know-how;
- (i) a right to protect goodwill by way of passing off or similar action against unfair competition; or
- (j) any other intellectual property right of whatever nature.

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(2) In this Part, a reference to an IPR includes an application for the registration of an IPR if the IPR is protectable by registration.

(3) In this Part, “IPR dispute” includes —

- (a) a dispute over the enforceability, infringement, subsistence, validity, ownership, scope, duration or any other aspect of an IPR; 5
- (b) a dispute over a transaction in respect of an IPR; and
- (c) a dispute over any compensation payable for an IPR.

(4) In this section, “registration”, in relation to an IPR, includes the grant of the IPR. 10

IPR disputes may be arbitrated

52B.—(1) The subject-matter of an IPR dispute is capable of settlement by arbitration as between the parties to the IPR dispute. 15

(2) Subsection (1) applies whether the IPR dispute is the main issue or an incidental issue in the arbitration.

(3) An IPR dispute is not incapable of settlement by arbitration only because a law of Singapore or elsewhere —

- (a) gives jurisdiction to decide the IPR dispute to a specified entity; and 20
- (b) does not mention possible settlement of the IPR dispute by arbitration.

(4) In subsection (3), “specified entity” means any of the following entities under the law of Singapore or elsewhere: 25

- (a) a court;
- (b) a tribunal;
- (c) a person holding an administrative or executive office;
- (d) any other entity. 30